IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 907/2005
(Bal Kishan Pareekh Vs. Vijay Laxmi)

Date of Order : 26/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. V.S.Choudhary for the petitioner.

BY THE COURT:-

Heard learned counsel for the petitioner. Perused the orders impugned.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 27.4.2005 passed by Additional Sessions Judge, Ratangarh (for short 'the revisional court' hereinafter) in Criminal Revision No.45/04, whereby the revision petition filed by the petitioner against the order dated 27.8.2004 passed by Judicial Magistrate No.1, Sujangarh (for short 'the trial court' hereinafter) granting interim maintenance under Section 125 Cr.P.C. at the rate of Rs.800/- per month in favour of non-petitioner from the date of application, was dismissed.

It is contended by the counsel for the petitioner that the courts below fell in error in awarding interim maintenance from the date of application, according to him, the interim maintenance allowance could have been awarded from the date of order.

The contention raised by the counsel for the petitioner cannot be accepted in view of Division Bench decision of this Court in Smt. Savita Sharma Vs. Shri Krishan Murari 1990 (1) RLR 400.

In the circumstances, therefore, no case for interference is made out. The petition is dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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